

Natalie Eschbach

From: WISCHNOWSKI, EMILY [EWISCHNOWSKI@fraserstryker.com]
Sent: Tuesday, February 16, 2016 11:21 AM
To: Natalie Eschbach
Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

Natalie,

Any word on dates for depositions?? I'm getting significant pressure to get the depositions scheduled, and I've been advised that if they aren't scheduled soon, we will be picking dates and moving forward.

Emily



Emily J. Wischnowski

Attorney

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From: WISCHNOWSKI, EMILY
Sent: Monday, February 08, 2016 4:28 PM
To: 'Natalie Eschbach'
Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

Natalie,

Thanks for your email. While we are fine with the inspection occurring prior to the 30(b)(6) depositions, it is our position that there will only be one inspection. Moreover, we would strongly object to any handling or testing of the car seat. If you would like to inspect the car seat prior to the depositions, we can arrange it, and I would suggest February 16 or 19th are options, otherwise March 21st may be the next available date. In terms of deposition scheduling, does March 30th, 31st, or April 1st work for you and your clients? I know you have trial the third week of April, so I'm not sure if you want to go much later than that.

As for the order of depositions, Mike Coyle won't negotiate on that issue -- Plaintiffs' depositions will be conducted last. And based on the court's general practice, I think taking that up with the court will be a waste of your time.

If you want to discuss any of this, feel free to give me a call.

Emily

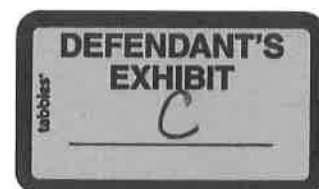


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From: Natalie Eschbach [<mailto:NEschbach@pattonryan.com>]

Sent: Monday, February 08, 2016 11:58 AM

To: WISCHNOWSKI, EMILY

Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

Hello Emily,

In follow-up to the voicemail I left you today, I had a conference call with our clients on Friday. We are requesting the following:

- 1) An inspection of the car seat prior to the parties' depositions. We would subsequently request an inspection with our consultants/experts at a later time. The following will attend on behalf of Baby Trend, Sedlack and MDC: Brad Mattarocci from Baby Trend, Mark Sedlack, Bob Fong (general counsel for Baby Trend), and myself. Ideally, we would like to do the inspection the first week of March. If this does not work for everyone, we are generally available in the near future except for the following days: Feb. 17-18; March 3, 7-11, 14, 16-18, 22-25. I have a ton of expert and fact witness depositions in a wrongful death/construction case coming up that is also set for trial for April 18, 2016. However, I wanted you to have first crack at my available dates so we can move forward on this case. Therefore, we should try to set this ASAP. The Court will issue its rulings as to the depositions on my construction/wrongful death case this Thursday, February 11th.
- 2) Hopefully we can agree on an inspection protocol so we do not have to go through motion practice to do so. We will also have a photographer and videographer present at the inspection. We are proposing doing the following during the inspection:
 - a. Check buckle release force with calibrated gauge.
 - b. See the Graco seat, as well, assuming you still have it. We would like to inspect its warnings, its latching action, and sound.
 - c. Record and possibly measure the dB of the click or snap.
 - d. Check functionality of ejection spring and possibly force.
 - e. Internal Borescope of buckle.
 - f. Inspect what materials were given to the Ribeiro's with the seats, including instruction sheets, testing thereon, manuals, etc. from the facility who gave them the seats.
- 3) We would like the Plaintiff parents' depositions to proceed prior to the Defendants' depositions. I will send the deposition notices early this week. I may also issued limited supplemental written discovery requests prior to the depositions; i.e., production of the car seat manuals.
- 4) Brad Mattarocci from Baby Trend and Mark Sedlack are willing to travel to Nebraska for their depositions to make it convenient for everyone so we are all not traveling all over the country. Of course, we will be as flexible with the deposition dates as possible to accommodate everyone and to complete them as soon as possible.

Please contact me so we may discuss. Thank you.

Natalie

Natalie Eschbach
Patton & Ryan LLC

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From: WISCHNOWSKI, EMILY [<mailto:EWISCHNOWSKI@fraserstryker.com>]
Sent: Thursday, February 04, 2016 1:35 PM
To: Natalie Eschbach
Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

Natalie,

As with seemingly everything in this case, plans have changed. Matt King with IMMI decided that he was fine with us sending photos of the car seat instead of organizing an inspection at this time. As such, no inspection will be scheduled in February.

Please provide dates for the depositions as soon as you are able.

Hope all is well,

Emily



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From: Natalie Eschbach [<mailto:NEschbach@pattonryan.com>]
Sent: Monday, February 01, 2016 4:05 PM
To: WISCHNOWSKI, EMILY
Subject: Re: Ribeiro v. Baby Trend et al.: Depositions

Sorry, but I need to run these dates by everyone and get approval. I will let you know as soon as I hear anything. I may not be the only one showing up at the inspection on behalf of our clients.

Will this be different from when we have our experts do non- destructive testing? Will this be for photographs only?

Sent from my iPhone

On Feb 1, 2016, at 4:01 PM, WISCHNOWSKI, EMILY <EWISCHNOWSKI@fraserstryker.com> wrote:

Thanks for the update. Do you have a strong opinion on inspection dates? I'm trying to work with everyone, but I need to get something set and on the calendar. I think we are looking at February 15, 16, or 17.

<image001.gif>

Emily J. Wischnowski

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From: Natalie Eschbach [<mailto:NEschbach@pattonryan.com>]

Sent: Monday, February 01, 2016 1:01 PM

To: WISCHNOWSKI, EMILY

Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

Hello Emily,

I just wanted to give you an update. I am sending another report to the clients today, and we have a conference call set for this Friday, February 5th. I will give you additional updates as soon as I receive them. Thank you.

Natalie

From: WISCHNOWSKI, EMILY [<mailto:EWISCHNOWSKI@fraserstryker.com>]

Sent: Tuesday, January 26, 2016 3:04 PM

To: Natalie Eschbach

Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

I figured you were! Thanks, Natalie.

From: Natalie Eschbach [<mailto:NEschbach@pattonryan.com>]

Sent: Tuesday, January 26, 2016 3:03 PM

To: WISCHNOWSKI, EMILY

Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

Hello Emily,

I am working on it. I had a huge site inspection yesterday for a wrongful death case, which ended at midnight. Therefore, I have not yet had the opportunity to work on your requests. I am on it and will let you know once I have an answer.

Thank you.

Natalie

Natalie Eschbach

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From: WISCHNOWSKI, EMILY [<mailto:EWISCHNOWSKI@fraserstryker.com>]

Sent: Tuesday, January 26, 2016 2:31 PM

To: Natalie Eschbach; John Patton; Michael Vranicar

Cc: SEWELL, RYAN

Subject: RE: Ribeiro v. Baby Trend et al.: Depositions

Counsel,

Kindly following up on my request below. I anticipate that scheduling depositions in this matter will not be easy, so I want to keep pushing to get dates set as soon as possible.

Thank you,

Emily

From: WISCHNOWSKI, EMILY

Sent: Friday, January 22, 2016 5:32 PM

To: neschbach@pattonryan.com; jpatton@pattonryan.com; mvrnicar@pattonryan.com

Cc: SEWELL, RYAN (RSEWELL@FraserStryker.com); COYLE, MICHAEL

Subject: Ribeiro v. Baby Trend et al.: Depositions

Counsel,

Attached are 30(b)(6) Notices for Baby Trend and Millenium Development. However, the dates stated in the Notices are not set but are only potential dates for us. Please discuss with your clients and provide available dates to us.

Additionally, we intend to take the deposition of Mark Sedlack. Please provides dates that work for him as well.

We will be scheduling depositions for the other defendants and will attempt to keep you updated as best we can.

Have a good weekend,

Emily

<image001.gif>

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